

PROCEEDINGS

of a

MILITARY COURT FOR THE  
TRIAL OF WAR CRIMINALS

held at

LUNEBURG, GERMANY,

on

TUESDAY, 16 OCTOBER, 1945,

upon the trial of

JOSEF KRAMER

and

44 Others.

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TWENTY - SIXTH DAY.

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Transcript of the Official  
Shorthand Notes.

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Mr ✓

(At 0930 hours the Court reassembles pursuant to adjournment, the same President, Members and Judge Advocate being present.)

MAJOR CRANFIELD: Before I open the case for my accused there is one matter I would like to mention. The Court will remember that we applied for the addition of an extra defending officer, Col. Smith. I am informed that the order adding him as an additional defending officer has been made by the Commander, 30 Corps District. Col. Smith has been brought out from England and is here to-day.

My application is that he be interposed to-morrow morning. He will come in the middle of my case but that will not upset me in any way. I understand that the learned prosecutor has not any objection to that.

The Court will further remember that the defending officers gave notice of the points to which Col. Smith's argument would be addressed and that at the outset of the trial we reserved our right to submit that the charges disclosed no offence. Some of the points of which we gave notice relate to the argument that the charges disclose no offence but some of the points do not.

As an example, the question of responsibility and superior orders is obviously a question which arises in a very material way in this case and, in the ordinary way, it would be a matter upon which we should address arguments to the Court in our final speeches, which would be replied to by the learned prosecutor in his final speech. That is one of the matters of which we gave notice that Col. Smith would argue and he has come here prepared to address arguments on those points.

Accordingly the procedure that the defending officers would like to arrange is this, that to-morrow morning Col. Smith addresses an argument to the Court on his submission that the charges do not disclose an offence, the learned prosecutor replies to that argument, if he sees fit to do so, and the consideration of this submission by the Court could take place in the ordinary way or be deferred for consideration and the decision of the Court given later. After that submission has been made the defending officers wish that Col. Smith addresses an argument to the Court on the other legal points, such as responsibility, which do not arise on the submission of no offence.

It is there, as I understand it, that the learned prosecutor is not prepared to agree with us. If he was expected to reply to Col. Smith's further argument then I can understand that he would be prejudiced because he would be giving away his line on the legal points before the defending officers' final speeches and, thereby, losing the advantage of the last word. But our proposal is that Col. Smith's argument on these points be treated as an advanced instalment of the defending officers' final speeches, and it seems to me that if anybody is going to be prejudiced by having to address their arguments at this stage rather than at the end of the defence it is the defence and not the prosecution who, instead of having to reply to the defence's legal arguments almost immediately, will have a fortnight or three weeks, or however long this case is going to go on, to consider it.

I appreciate that the normal course would be for Col. Smith to wait here until the end of the defence and then address the Court in the same way as the other defending officers, but it is a matter of practical convenience. He informs me it is quite impossible for him to do that. As I explained to the Court on previous occasions, the defending officers feel strongly that these points of law are most important here and they feel even more strongly - and perhaps no one can no better than we do - that we are quite incompetent to present them properly to the Court so the accused have their case properly put forward and the legal position adequately explained to the Court and a just decision made.

That is how we feel about it and it is, I think, a very important matter for the defence. After the learned prosecutor has replied to my application if there are any other defending officers who have points to put, which I think they can better than I, perhaps they be allowed to put them.

THE PRESIDENT: Just before I call upon the prosecutor to reply I want to clear up two things. The first is this: this Court has no power to increase the number of the defending officers without the consent of the convening officer. I want to be quite clear that that has been definitely received.

MAJOR CRANFIELD: I was informed by Capt. Stewart about ten days ago, or a week ago.

COL. BACKHOUSE: I am told it has.

THE PRESIDENT: The Court left it that it was prepared to hear Col. Smith subject to the agreement of the convening officer but we, so far, have heard nothing.

COL. BACKHOUSE: All I know is that I was told by a member of "A" Staff of 21 Army Group that it was telephoned through. He was a member of the "A" Staff representing 21 Army Group here at the time and I understand that he spoke on the telephone to 30 Corps District. That is the state of my information.

MAJOR CRANFIELD: I dare say we can have it in writing before to-morrow morning.

THE PRESIDENT: I think it should be in writing. We are prepared to accept your word but I think it should be confirmed in writing.

COL. BACKHOUSE: Major Garside who was up here from A(PS4) 21 Army Group told me it had come through on the telephone.

THE PRESIDENT: The other thing is this; will you very quickly sum up those two applications. Your first one is, I understand, that the new defending officer should address the Court to-morrow morning on ---- what?

MAJOR CRANFIELD: In two parts; he should first of all address an argument on the submission that the charges disclose no offence -- that is the submission which we reserved for ourselves at the very beginning -- then that will be replied to by the prosecutor and in the ordinary way the Court might consider it straight away or the decision might be reserved in the ordinary way as on a legal point. That being done our application is that Col. Smith addresses the Court on the points of law of which we gave notice, general points affecting the case as a whole, which in the ordinary way should be addressed to the Court in the defending officers' final speeches. What it really amounts to is an instalment of the defending officers' speeches.

THE PRESIDENT: Your application is this, that Col. Smith should first address an argument that the charge or charges disclose no offence, that that should be replied to by the prosecutor and then considered by the Court, the Court possibly reserving their decision. Then you want Col. Smith to address the Court on general points of law which really, as you say, comes as a sort of early instalment of the defending officers' speeches?

MAJOR CRANFIELD: Yes. I would like to emphasise there that as we see it that alteration in the normal procedure does not prejudice the prosecution because in fact it gives them more time to reply to it than ordinarily. It is really the defence which is prejudiced by having to put these arguments in half way through their case.

COL. BACKHOUSE: If any of the other defending officers want to support the application now is the proper time to do it.

CAPT. PHILLIPS: We all support it.

COL. BACKHOUSE: As far as the question of the objection to the charge is concerned it was agreed that that should be reserved and that it should come in when Col. Smith was available. Col. Smith is now available and I have no objection to the course the defence suggest that that should be interposed as and when they are ready and I will reply to it. I do not, however, agree that the Court can or should reserve their decision because if the Court are going to uphold the submission we can all go home. It would be a farce to go on with the trial if at the end it is decided that the charges are bad. Quite obviously the decision must come at once or the Court adjourns to consult the convening officer.

So far as the other point is concerned I do not really know where we are getting to. Col. Smith is here as a defending officer and I do not see why this trial should not take its normal course. If he is here as an expert on international law then his place is to act as a defending officer. I do feel we must have some regularity. The proper time for a closing speech is at the end and not half way through.

I am not suggesting that there is prejudice one way or the other, but I think it would be singularly unfortunate possibly that in the middle of this trial someone -- who I may say was built up before the application was ever made, or the application was going to be made, the effect of which was communicated to the press and by the time the application was made it was an application that an expert on international law should come -- I think it would be unfortunate that somebody who had been built up in that way should make a speech in the middle of this trial. It is something of which I have had no experience in any trial but I agree that this is an extraordinary trial, but I think the time has come when one must draw the line somewhere and have some sort of regularity in procedure. If it were simply a matter of an ordinary defending officer who has not been built up in that way wanting to make his speech I would raise no objection, but I do feel it would be unfortunate, in view of the publicity which has been given to Col. Smith coming here, and in view of his special qualifications, that he should suddenly be allowed to address the Court in the middle of this trial. Otherwise I have no objection to it. If it is convenient to the Court by all means have it, but I do think it would be very unfortunate and it is a thing I cannot agree to.

I want it to be quite clear I am not suggesting that Col. Smith has had anything to do with this; he was not even here at the time his build up was originally made and took no part in it himself.

COL. SMITH: May I be allowed to say one word or two?

THE PRESIDENT: Yes.

COL. SMITH: May I take this opportunity of saying on behalf of all the defending officers that the defence very greatly appreciates the consideration which the Court and the convening officer have shown in the presentation of these arguments which it will be my duty to submit. It is, I think, very important that we should create a very good impression at this Court and that the law of nations, the international law aspect of this matter, should be put forward publicly as an essential part of the defence.

I can reassure my friend, Col. Backhouse, that I have been more embarrassed than anybody by the horrible publicity which has been given to my name; it is most irritating. I can assure him and the Court that I do not for one second claim the position of an expert. I am simply one of the bar who will address the Court in exactly the same manner as any other member of the bar.

I have got to say again that one must appreciate the consideration of the Court in allowing me some latitude. The application is irregular, and I agree with my friend, Col. Backhouse, to that extent. Part of what I have to say should, in normal procedure, come at the beginning of the defence and part should come at the end and, therefore, like any other counsel I should sit through the trial.

Unfortunately it is not possible for me to do so because I happen to be a rather busy man and not in the Army any longer, so I appreciate the latitude of the Court in allowing me to be interposed. It is rather regular but I am perfectly certain that in so doing I shall not interfere in any matter which will in any way embarrass Col. Backhouse or the Court in hearing this case.

Major Cranfield has suggested the method of doing it and all I will say is this, that so long as the main argument gets across the floor of the Court I do not really care what form it takes. I do not think the Court, upon which the eyes of the world are concentrated, will trouble needlessly about the minor points of, what I might call, tactics so long as the main argument gets across and the prosecution has a fair chance of criticising it. That is all we ask and I am sorry to have to press everything I have to say, but owing to my other work it is impossible to do it otherwise and I hope the Court will grant the application.

#### SUMMING-UP ON APPLICATION.

THE JUDGE ADVOCATE: It is obvious, Sir, you will have to retire to consider what you are going to do. As you know, a submission that the charge is bad in law should be made presumably in this Court as in any other before the Court proceeds to treat it as a valid charge and hears evidence. That was not done, for reasons which you appreciate, and it was decided that the defending officers upon that point should be reinforced by a further defending officer.

Now we have got to the state where you are going to be asked to decide whether the charge is good or bad - that is a matter for you to consider - but the more difficult point seems to be whether besides that submission in law there should be an address on law again generally on the various points which may be included in the final addresses by the defending officers.

It would be very difficult and very unusual to have addresses in the middle of taking evidence - that aspect of the matter, I think, is conceded by the defence. What the way out is I do not know. I personally thought what was going to happen was that when the final speeches came to be made the question would be raised as to whether the charge was good or bad, that it would be thrown in with the general arguments in the final addresses. I thought that Col. Smith would be addressing you on some particular points when the final addresses came to be made, but that does not seem to be what is suggested now.

It is entirely a matter for the Court to decide and I suggest you close the Court to consider what to do.

(At 0950 hours the Court is closed.)

(At 1035 hours the Court is re-opened.)

(The accused are again brought before the Court.)

THE JUDGE ADVOCATE: Major Cranfield, the Court have carefully considered this submission and they have been considering what they originally said and had in mind when you made your original application. They feel that they did indicate that at some suitable time to be arranged Col. Smith should be heard in Court as to whether or not the charge was good or bad in law. They feel it would have been better if they had been consulted so that we could have agreed when was the best moment for Col. Smith to assist the Court. Had they been consulted they would undoubtedly have taken the view that the proper time to hear Col. Smith would have been when the final addresses were being made when he could have assisted all the defending officers by addressing remarks in regard to the law applicable to this case. They are still of that opinion, that it would be better for Col. Smith to address the Court as a defending officer at the conclusion of all the evidence and not interpose in the middle of taking evidence matters of argument on law.

Col. Smith, how would you find yourself if the Court were to suggest that that is what should be done? Would that cause great difficulty?

COL. SMITH: That is what I, myself, would have preferred. I have not been a free man in this matter at all. When I was consulted by the War Office I suggested that what I had to say should properly come at the end of the proceedings. I got a telephone call I think on Thursday asking me whether I could come over to Lunenburg on the Monday and I thought it was my business to come as I was not my own master in the matter.

I quite agree with that you have just said, that the proper place would be at the end of the whole case. How far remote that date is I have not the faintest idea. I am a somewhat busy man in various other ways and it is by no means easy for me, but if that is the opinion of the Court I will do my best to arrange that I should come back provided I am given notice when the end of the proceedings is in sight.

THE JUDGE ADVOCATE: We want to make it quite clear to Col. Smith that we never had in mind you should be kept here for any length of time. We did have in mind that there would be something like 12 addresses by the defending officers and we thought between those limits it would be possible to fit you in. I do not think that would have inconvenienced any defending officer if you addressed the Court on behalf of the accused generally after the third, fourth or eleventh address. It seems to me that if there is a proper liaison between the prosecution and defence it would be possible to give you reasonable notice when the Court would like to hear your argument. If you can see your way to do that we do feel it would be far more satisfactory from our point of view and from the accused's point of view that that should be done.

COL. SMITH: All I can say is that I will do my very best to arrange that. It means that I return to England forthwith and then only come back when called upon. This second journey has been abortive, as far as I can make out.

THE JUDGE ADVOCATE: The Court wish me to tell you this, that if you attend and give your address generally at the end of the case they will naturally give you a wider latitude than they could possibly give you now because they feel if you were heard now they would have to confine you to arguments merely upon whether the charge is good or bad in law, so I think you will appreciate you will be of far more use to the accused when you make your final address when the Court will give you rather more latitude than they can give you at this stage.

COL. SMITH: Very good. I agree with that. I cannot make an absolute promise but I will do my best to be present at the convenience of the Court.

COL. BACKHOUSE: If the defending officers would liaise with me on that question I will undertake to see that Col. Smith is given the longest possible notice we can give him through the War Office. This time I did not know he was coming at all.

THE PRESIDENT: When the evidence for the defence is coming to a conclusion there will then be the various closing speeches to be made by the defending officers and I do not think it will be too hard towards the end of the accused giving their own evidence for us to estimate the time, as the Court has no objection to Col. Smith coming in at any time after that. He will therefore be given a reasonable notice. The learned judge advocate has given the opinion of the Court and that seems the best way of doing it.

COL. BACKHOUSE: I can certainly arrange for Col. Smith to have sufficient notice.

MAJOR CRANFIELD: May it please the Court. I represent the accused Grese, No.9, the accused Lothe, No.10, the accused Lobauer, No.11, who are charged on both counts in the indictment, and the accused Klippel, who appears on the Belsen charge only.

THE PRESIDENT: Before you go on. This is nothing to do with your opening address, but I am always most insistent on behalf of the court that the accused should understand when anything which is taking place is not evidence being given against them, and I should like the defending officers to make it perfectly clear to the accused that what has happened this morning before Major Cranfield started his address has merely been a question of court procedure. Will you all see that that is done. I am sorry to interrupt you, Major Cranfield.

MAJOR CRANFIELD: My first three accused are charged here on both charges, and the fourth, Klippel, on the Belsen charge only. Both these charges are capital offences, and I ask the indulgence of the court in the unfamiliar task that I have of presenting a defence to these very serious charges. No fewer than ten murders are alleged against my four accused.

Before I outline the defence which I am presenting on their behalf I want to make some observations on the circumstances from which the charges arise. My first point is that both Auschwitz and Belsen were prisons. Whatever our personal views may be on concentration camps they were, under German law, prisons, and the persons therein were legally imprisoned in them. Germany had decided that it was necessary for her security that these people should be detained, and that was a decision made by their government which was binding on the accused, and they could not go behind that decision. Every man is deemed to know the law; he cannot deny knowledge of it, but the law which he cannot deny is his own law, his domestic law, (in the case of the accused the German law,) and the accused cannot be expected to have judged their own government by some international legal standard.

In our own country the British government during the war has detained hundreds of people, both British subjects and foreigners, under what is popularly known as Rule 18(b). These people were detained in direct violation of the principles of habeas corpus, without trial and at the absolute discretion of the government, and all efforts to force the Government to give the reasons for their imprisonment failed.

A { The point which I want to make at the outset is that the accused must be judged here as the warders and the wardresses in a properly constituted legal prison in which the witnesses for the prosecution and others were imprisoned, and all political aspects of the matter must be ignored altogether. }

My next point is that in the same way as this is a court trying alleged crimes by the nationals of one state against the nationals of another - to which the court will apply international law, not British law - so to the matters in issue the court must apply an international standard of conduct. That applies in particular to the allegations made here of cruelty and illtreatment. In England a man who organises a bull fight will very soon find himself in conflict with the law, and might very well be branded as an unhuman and a cruel person, but to suggest that organising a bull fight is against the usages of humanity, or a crime against international law is, in my submission, obviously absurd.

In England if in a prison it is shown that the warders carry truncheons or sticks with which they regularly controlled the prisoners then it might well be said that the onus was on them, the warders, to justify it. But in my submission that does not automatically follow in an international case, and it is for the court to ascertain what is a reasonable standard in these matters; having ascertained the standard to apply it.

During this war some of us have had an opportunity of observing the peoples of other countries and how they behave, and it has been obvious to us that the standard in these matters which obtain in England do not prevail in other countries. In Egypt one sees the foreman of a gang of labourers

with a large and most effective whip which he does not hesitate to use very freely on the members of his gang, who are not convicts but are free men.

In India the police carry their bamboo poles or lathis, and they use them in a way and on occasions which would cause a sensation in England.

The whole question of corporal punishment is, as a rule, not very much mentioned in England, but just before the war, through the appointment of a departmental committee and its report and the preparation of the Criminal Justice Bill, these matters were brought to the public notice, and a number of books were published on the subject. It may be suggested that the countries I have mentioned, India and Egypt, are not civilised countries. That, in my opinion, is wrong. They are full members of the comity of Nations, and they have got just as much contribution to make to the international tripartite in this matter as have Poland and Czechoslovakia. If we go to the United States of America, which cannot be disputed is a leader of civilisation, and study the conditions in their penal institutions and chain gangs what do we find? I am going to read to the court a passage from a book published in 1941, written by Professor R.G. van Yelyr dealing with the whole subject of corporal punishment.

COL. BACKHOUSE: I hope my friend is not proposing to put that forward unless it is a manual of law and the author is already dead.

MAJOR CRANFIELD: If the learned prosecutor is particular I daresay I would not have difficulty in ----

COL. BACKHOUSE: If my friend wants to give evidence of cruelties in other countries he should do it legally, if that is part of his case. If it is a matter of law he is proposing to argue he must argue it.

THE PRESIDENT: What are you going to read?

MAJOR CRANFIELD: What I am going to read is a passage showing the conditions in other countries, and if the court requires it I can under Regulation 3 put the passage in.

COL. BACKHOUSE: I do not think my friend can. I think he is going too far when he says that. What is this supposed to be?

THE JUDGE ADVOCATE: Major Cranfield, your address is mainly to outline what your defence is going to be, but the President does not want to stop you on technicalities. Is it a long paragraph?

MAJOR CRANFIELD: No, Sir. It starts off: "The American penitentiaries have been the scenes of some particularly savage whippings. O. Henry, famous American story writer, incarcerated in the Ohio State Penitentiary, and Al Jennings, one time outlaw and robber, tell of men being whipped until their backs were masses of bleeding pulp. In this prison, according to Jennings, 'paddles' were used instead of whips, and these sharp-edged pieces of flat wood made the most frightful lacerations. Then there were the deplorable happenings in the convict camps, and the even more deplorable treatment of hired prisoners in connection with the convict lease system at one time operative in the State of Georgia. At one of these Georgia camps, according to the statements of witnesses during an official investigation, prisoners were whipped to death. The whip used was a 'sanded' leather strap. At a convict camp in North Carolina, for minor offences, prisoners were stretched out between two trees, face downwards, and flogged with a leather strap. They carried the marks of the lash with them to their graves. All this is recent history - twentieth-century history. A prisoner was whipped to death in a North Carolina Chain Gang in 1925."

A | Now I do not say that those events were not crimes, and I do not say that they were not punished. My argument is that to throw up ones hands in disgust at corporal punishment in a prison, even for women, is not a

proper course for a judicial body to take. The court must consider what was reasonable conduct of the people concerned in the circumstances. > These things are not unknown, they have taken place in other countries, civilised countries, and they have taken place in recent times. In our own country flogging for women was only abolished in 1820.

I am going to read now from the departmental report published in 1938: "Whipping has been used as a form of punishment in this country from the earliest times, and payments for whipping figure largely in municipal and parish accounts from an early date. When death was the penalty appointed by the common law of felonies, whipping was one of the punishments so appointed" -----

THE JUDGE ADVOCATE: The court do not want to interrupt you, but will you as far as you can illustrate conditions that have some very direct bearing and are something to do with modern times, at any rate. We do want to really get at what is the substance of the outline of your case for the defence.

MAJOR CRANFIELD: My view is, Sir, that before I can defend myself against charges of illtreatment which have been made against me I must show in what perspective I think the court should view these allegations, and that is what I am endeavouring to do now.

THE JUDGE ADVOCATE: Well, you know the short issue for the court will be whether the prosecution have satisfied them that a war crime has been committed. In other words, whether there has been a breach of law and customs of war, and the court do not feel that the matters you are quoting now really help them very much. That is a matter for you.

MAJOR CRANFIELD: Very well, Sir. My case on this point is this, that in my submission the court must consider the allegations of cruelty and illtreatment in the light of what is standard throughout Europe on these points and not judge them by the British standard.

Something has been made in this case by the prosecution of the sanitary conditions in these camps. Again I say it was dangerous to apply the British standard. Brigadier Glyn Hughes has said there was no shame or privacy in Belsen. I suggest that Mr. Duillencoc was nearer the point when he said there were latrines but the internees did not use them. We have been in Italian villages where if there were any indoor sanitary facilities they were not very generally used. In Palestine it is a normal thing to see Palestinians defecating in public by the roadside. To talk to those people about privacy would not be understood and, in my submission, that applies to a large majority of the inmates of these camps. It must not be forgotten that even the Wehrmacht, the cream of the German nation, rarely dug latrines in the field. All these things must be judged not by the British standard but by the general level in all countries.

Something has also been said by the prosecution about deportations of the inmates of these concentration camps. I do not think that was suggested as a crime against the accused, and before we leave this subject of the international standard of conduct I want to read two extracts from "The Times" newspaper. The first one comes from the issue of September 12th, and it is from an article on the expulsions from Poland. It says: "The Potsdam declaration, it will be remembered, called for the humane treatment of expelled German nationals, and in view of the distressing reports laid before the conference from such cities as Breslau and Stettin, the countries concerned were urged to postpone further expulsions. No evidence exists that these directives have been observed. In the Robert Koch hospital here" - that is Berlin - "which I visited this morning, there are more than 60 German women and children, many of whom were summarily evicted from a hospital and an orphanage in Danzig last month and without food and water or even straw to lie on, were dispatched in cattle trucks to Germany. When the train arrived

in Berlin they said that of 83 persons crammed into two of the trucks 20 were dead. A woman recovering from typhoid had, she stated, seen her husband beaten to death by Poles and she had then been driven from her farm near Danzig to work in the fields. Now she has survived the journey to Berlin with two young sons, and, without money, clothes or relations, cannot see what the future holds. Three orphans I saw aged between eight and twelve are still almost skeletons after ten days' treatment owing to the almost complete lack of fats in Berlin; none of them weighed more than three stone. It is surely not enough to say that the Germans brought these miseries upon themselves; brutalities and cynicism against which the war was fought are still rife in Europe, and we are beginning to witness human suffering that almost equals anything inflicted by the Nazis.

THE PRESIDENT: I do not want to interrupt you, but I am not clear how this affects the particular charge or charges against the accused at the particular camp where their conduct has been called into the charge.

MAJOR CRAWFIELD: Well, Sir, it seems to me not improbable that it will be said on behalf of the prosecution that whatever the accused were told to do by their government they should have known that what they were told to do was a crime against humanity. That is, as I see it, a very probable argument to be put forward by the prosecution, and I answer that by saying that the accused can only judge what is a crime against humanity by their own environment and by what goes on around them, what their standards are and what the standards are of the neighbouring countries, and these quotations are designed to show that so far from the concentration camp system, so far from what is alleged as having been done in these concentration camps, obviously to the accused it was nothing else than common form in Europe, and just the same kind of things are now being done by the countries to whom the inmates of Belsen and Auschwitz belong. The whole of this type of thing, although in England we deplore it, is the accepted procedure in Europe. That, Sir, is the point of these articles which I quote, and I can go on and quote others. I would point out that the newspaper which I quote from is probably the most restrained and conservative in the world.

Now, Sir, I will pass from that matter which, in my submission, is the background against which the court should receive the allegations in this case, to outline the defence which I propose to present on behalf of the four accused. The prosecution has produced here both oral evidence and documentary evidence. The live witnesses who have come here fall into three classes. First, there are the British officers who have told us of the conditions as they found them when they arrived at Belsen, and their evidence consists of what they were told when they arrived and just afterwards, and the conclusions and the inferences which they drew from what they were told and what they saw. If that were the only evidence of what the state of Belsen was the court might have to consider it. But it surely pales into insignificance when it is put beside the evidence of Druillence and Fritz Leo, inmates of the camp. I put them, Druillence and Fritz Leo and Dr. Beldel, into class two. I want to say straight away that I accept what they said, and I shall put forward my defence on that basis. Druillence and Leo were, in my view, demonstrably honest good witnesses, and their evidence was remarkable - not so much what they said as what they did not say. They failed entirely to make any specific allegation against my accused or against any other accused, although they had equal provocation with everybody else, and in the case of Dr. Leo just as much opportunity as the other prosecution witnesses.

Now the third class of prosecution witnesses was the procession of young women and an occasional Polish youth who you have seen in the box. We all realise that they had been in prison for a long time in a way which we consider unjust and under deplorable conditions, but this is a court of justice, not a court of sentiment. Can the same reliance be put on their evidence? In my submission the answer is no, and I do not accept their evidence, and I shall ask the court in due course to treat it as exaggerated and unreliable. The Nazis have roused racial passion all

over the earth, and I do not think it is unnatural or surprising that those young Jewesses should be vindictive towards their former warders or should seek to revenge themselves upon them.

I think that in the case of Grase it should not be overlooked that she is a young girl and she is better looking than the other female accused - probably better looking than the other wardresses in these camps. She was in authority over these young women who have come here as prosecution witnesses, and it is now that the positions are reversed I think it is not surprising to see the spite and the vindictiveness with which they picked her out from among the others and make their accusations against her.

A | It is part of my case that the documentary evidence which has been put before you by the prosecution is wholly unreliable, and I shall seek to prove that to you by putting in the affidavits of the witnesses who came here in person, proving to you what they said in those affidavits and inviting you to compare what they have said there with what they have said in the witness box. We have an instance of how those affidavits were taken in the case of the accusation against the accused Lothe by Grika, Rosenzweig and Watinik, a case where the accusation arose because they were found

abusing her at Belson by a British soldier. I think a useful parallel can be found in the case of what happened to the witness here the other day, Erika Shopf; the way she was accosted. It was later on suggested that

they were going to report that, and no doubt a similar type of accusation

might have arisen in her case.

A I shall put in these affidavits and I shall show how Litwinska in her affidavit accused Ehlert, No. 8, of a shooting, but when she came into court she made no mention of it. Ehlert stood up before her and she was invited by a defending officer to accuse her, but she completely failed to do it.

Cecilia Frommer in her affidavit identifies Volkenrath from her photograph, but she comes into court and says the woman here is not here.

Again there was the incident when a woman was made to kneel in the snow and Ehlert said: "It is enough". Guterman in her affidavit said it was Ehlert, but she comes into court and says that it is not the woman.

Then there was the case of the accused Anchor Pinchen. Two witnesses, Zylarukaton and Zamoski, made affidavits accusing Pinchen of murder. One of them deposes to nothing else. The only reason for her coming here at all is to make this accusation of murder against Pinchen. When she comes into court and is asked to point him out in the dock, she fails to do so. In my submission, in the light of that the whole of this documentary evidence is unsound.

Some of the witnesses suggested that their mistakes were due to mistranslations. At the same time we have the prosecution's evidence that the interpreters employed were first class; one of them was described as good enough for the High Court. My case is that the prosecution cannot have it both ways. Either the affidavits and the documentary evidence is reliable, or the witnesses the prosecution have brought here are lying.

The prosecution has relied on the proposition that all the accused were concerned together in the offences charged, so that if they can prove one murder or one flogging, all the accused must be convicted of it.

A good deal has been heard of section 8(2) of the Warrant. I want to point out that this section relates only to what can be adduced in evidence, and it expressly states that such evidence may be received as prima facie evidence of the responsibility of the individual. In other words, if it is rebutted, before the court can accept that responsibility further evidence such as would be ordinarily admissible must be produced. Further, the Royal Warrant can, of course, only regulate procedure. It cannot as the unilateral act of one alter the law under which these people must be charged and under which their guilt must be proved by the prosecution to the satisfaction of the court.

B The prosecuting officer opened this theory of joint responsibility as an absolute one. He said: "If I prove a man was at Belzen, then he is responsible for all that went on at Belzen". I ask the court to consider where such an absolute theory leads us. A man joins the staff of Belzen camp on the night of the 14/15th April. He is told to bed down and to report in the morning. In the morning the British arrive and he is charged with the murder of thirteen thousand people found in the camp. In my view such a proposition is obviously wrong, but if the absolute rule put forward by the prosecution is not accepted then what is to be the criterion? The proper test which the court should apply is, in my submission, that evidence must be produced to show that the accused planned together or were so closely associated that the inference of joint enterprise can properly be made. Any other proposition would go against the fundamental principle of guilty intent and guilty mind. That applies to the Auschwitz charge.

A ( With regard to Bolson it is my case that it is for the court to decide whether the appalling conditions which were found there were the concerted act of anyone at all, much less the accused in the dock. >

In addition to the concerted action aspect, the charges against my accused will fall into three categories. First of all they are accused of sending internees to the gas chamber. My accused at Auschwitz are one Aufseherin, one Arbeitsdienst, and one Capo. They are accused of sending internees to the gas chamber. In my submission the evidence is all to the contrary.

We have heard Dr. Klein say that the selections were made by doctors and exclusively by doctors. Why should he tell an untruth with regard to that matter when it amounts to assuming responsibility himself? Other witnesses have confirmed that doctors were always present. They have said that the parades were all formed up in the same way whatever purpose they were for, whether for working parties, for the gas chamber, or something else. Grese will tell you that she did not know before a parade took place what it was for. She will tell you that she kept a strength book. After a selection parade had taken place and the party selected had moved off, she was told where they were going and she entered in her strength book the number and the destination. If it was to a factory she entered "A thousand for Siemens". In a case where they went to block 25 she was told to enter "Sonderbehandlung" - special treatment. She will tell you that she was told by the prisoners that this meant death, but she will also tell you that from her superiors she was told nothing. If she asked she was told: "Sonderbehandlung is all that affects you".

The court will remember from the plan put in that these gas chambers were at the far end of the camp away from the SS barracks where the accused Grese lived. You have heard from Dr. Bendel that the Sonderkommando - the staff of these crematoria - were kept apart. They were not allowed to mix with the rest of the camp staff and officially everything to do with the gas chamber was a secret.

B ( < I am not suggesting that my accused at Auschwitz did not know there was a gas chamber. They did. I am not suggesting that they did not know people disappeared in circumstances which made it extremely probable that they had been killed. They know that. What I am saying, and what they will tell you, is that before a parade took place they did not know what it was for, and they had no part whatever in deciding who was to be selected or in selecting anybody themselves. >

It seems to me that there is quite a simple explanation of why the prosecution witnesses have come here and said Grese made selections for the gas chamber. If a company is parading to choose a demonstration squad, it is the officer in charge of that parade who decides who goes to the demonstration squad, but it may well be that a non-commissioned officer actually details the men in accordance with what he is told by the officer in charge; and a private soldier asked afterwards who selected him for the demonstration squad might well say quite honestly: "My sergeant".

Secondly, Grese is charged with specific murders. There are three of them alleged, and the accusations all appear in the affidavits. There was one witness Szafran who in re-examination made the allegation of the shooting of two girls. Now the court is aware that it is the duty of the prosecutor in a military court as an officer of the court to act with scrupulous candour and fairness towards the accused. He is further bound to lay all relevant facts before the court in evidence. In my submission the fact that this allegation came out in re-examination shows that it was

not part of the case which it was intended to lay before the court by the prosecution. The defence had no chance to probe this charge by cross-examination. The prosecutor obviously did not know what the witness was going to say in answer to a somewhat general question, and, in my view, an allegation of that sort is of very little use.

With regard to the other killings alleged against Grose, in my view the onus is on the defence to answer those charges. You will see Grose in the box, and you will hear what she has to say about the alleged incidents, and no doubt she will be cross-examined by the learned prosecutor. You will not see her accusers in the witness box, and it is for the court to decide whether they can accept evidence of this kind in a charge of murder.

Thirdly there are allegations of ill-treatment by beatings and kickings. It is not my case that beatings did not take place at Auschwitz, or that Grose, Lobauer, and Lothe did not strike internees. They will all tell you they did. Kramer has denied that this went on, but if it was unofficial would not it be concealed from the camp commandant? The same thing applies to Hoessler. What I say is first of all that the accounts of the prosecution witnesses both orally and in their affidavits are grossly exaggerated. They came here and spoke glibly of the beating to death of prisoners, of persons being removed to hospital in a senseless or in a dying condition, but when a witness was asked as to her own experiences, you got nothing of this sort and, in many cases, what was at first called a beating resolved itself into a box on the ear or a cuff, or two strokes with a light cane.

Grose will tell you that at Auschwitz she carried a walking stick and for a short time one of those whips which were made in the weaving factory in the camp. At Belson, where she was for only about a month or six weeks, she carried nothing at all. In fact, she will tell you that the internees were so riddled with disease that she was only too anxious to keep her hands off them.

She will tell you how the internees behaved. She will tell you that as one amongst seven Aufseherin she had a camp of between twenty and thirty thousand women to control. Very nearly twice the strength of an infantry division, All of them Hungarian Jewesses. She will tell you that they fought over their food and that they behaved like wild animals. If their food was to be properly distributed, if any kind of order was to be maintained, some sort of force had to be used. She was one among thousands. It was hopeless for her to try to use her hand. She will tell you that she had a stick, and she will not deny that when she was surrounded by a crowd, or when they were rushing the kitchen or rushing about in a crowd, she would lay about her with that stick.

What she will deny is that she ever deliberately beat an internee individually with a stick. She will also tell you that at no time did she carry one of those rubber truncheons, the weapon of the novelist, about which we have heard so much. I have wondered where those rubber truncheons are. If one believes the evidence of the prosecution witnesses, when the British troops arrived Belson must have been littered with them.

In regard to these allegations of beating, I suggest it is significant that ~~though~~ the word "Sadist" is used, no case of sadism such as one might expect where the warders had the power of life and death over prisoners has been produced. One can hardly accuse the prosecution witnesses of holding themselves back whatever else may be said against them. In

my submission, however, what their evidence reveals, if you take it at its face value, is a general standard of corporal punishment rather than deliberate and excessive cruelty. Grese will tell you that beatings in the proper sense of the word were not confined to the prisoners. We have heard of the flogging of an SS woman as a punishment. Grese will confirm that punishment at which she was present.

Lothe and Lobauer, who were prisoners employed in positions of some authority, will tell you of the punishments they received. My case on this subject is, having regard to the general background of all these peoples in Europe which I have tried to outline to the court, that the accused received or were liable to similar punishment; the use of a reasonable amount of force and a reasonable weapon for punishment was justified, and that the court should only convict of ill-treatment as charged if they are satisfied that the accused exceeded what was required, and that their brutality was wanton and excessive.

The court will notice that in almost every incident spoken to by the prosecution witnesses, the witness agrees that there was some misbehaviour on the part of the victim which caused the punishment.

Before I call evidence on behalf of Grese there are one or two specific allegations which will be put to her which I should like to comment on now. First of all, there is the affidavit of Dunkelmann, exhibit 26, number 22 in the summary. In that affidavit the deponent purports to identify Grese as the chief SS woman, and she describes her as aged about 30, blonde, with hair tied up at the back. Now in the witness box Grese will tell you that hair tied up at the back in Germany means the hair style adopted by Volkenrath and Ehlert here to-day - a very distinctive and a very German hair style - and she will tell you that at no time has she had her hair done in that way. The court will also notice that the deponent describes her age as about 30.

The other affidavit which I want to mention is the affidavit of Neiger, number 113, exhibit 66. This will be put to Grese in the box and it is alleged in the affidavit that appeal began at 0300 hours. Grese will tell you that throughout the year at Auschwitz it was pitch dark at 0300 hours. The affidavit goes on to allege that Grese at Camp C where she was for some time ordered the women to stand with a large stone in each hand. The deponent says there were thirty-one blocks each with a thousand women in it. That makes sixty-two large stone, and Grese will tell you that they were not available in that camp.

The last affidavit I want to refer to is the statement of the accused Kopper which is on page 46 of the summary, exhibit 110. The court will see that in this affidavit the accused Kopper (I think paragraph 2) alleges that Grese was in charge of the punishment kommando, and she goes on to describe an incident which was alleged to have taken place in the sandpit outside the camp. Now the explanation which Grese will give in the witness box is a little complicated and because of possible confusion I would like to explain it now.

She will tell you that she was placed in charge of a Strafkommando for two days as a punishment and this Strafkommando was employed in bringing stones from outside the camp into the camp for the purpose of road making.

Inside the camp was another kommando called the Strassenbaukommando which actually built roads, and there may be some confusion over the two names which are somewhat similar. The Strassenbaukommando was also a Strafkommando or a punishment kommando. They were inside the camp only making the roads, and she will tell you that she was in charge of that for a week. She will also tell you that Kopper, the deponent and accuser, in regard to this incident, was in the Strafkommando proper, where Grese was for two days, but she was not in the Strassenbaukommando.

That is all I have to say in opening the defence. I propose to call on behalf of Grese, before I put her in the box, a short witness first. The reason I do that is that the witness will give evidence about the accused's family and general background and, apart from that will not deal with the evidence of the accused.

I think it will be best to get it in that order, and I will not call Helene Grese.

HELENE GRESE is called in and  
having been duly sworn is examined  
by MAJOR CRANFIELD as follows:

- Q Is your full name Helene Grese, and are you the sister of the accused, Irma Grese ?     A Yes.
- Q Are you 20 years old and is your home at Wreckon in Wreckenburg ?     A Yes.
- Q Is that in the Russian zone ?     A Yes.
- Q Was your father an agricultural worker ?     A Yes.
- Q And do your brothers and sisters consist of a sister, your brother Alfred, the accused herself and another younger brother ?     A Yes.
- Q Now I want to take you to the time when your sister Irma left home.  
A Yes.
- Q How old was she then ?     A 14.
- Q Was your mother alive then ?     A No, she died in 1936.
- Q Where did your sister go to ?     A Into a village near the village where we lived and she worked there on the farm of a peasant.
- Q Has your sister ever been a member of the Hitler Youth ?     A No.
- Q Do you remember the time when your sister joined the concentration camp service ?     A Yes.
- Q From that time until you came to Luneburg, how many times had you seen your sister ?     A Twice.
- Q Would you tell the Court what those occasions were ?     A In 1943 and in March, 1945. I am not sure whether it was the end of February or the beginning of March.
- Q Will you tell the Court where those meetings took place and how your sister came to be there ?     A In 1943 my sister wrote home that she is coming on leave, so my other sister tried everything to keep all five of us during that time at home.
- Q When your sister came on that leave, did she speak to you about the work she was doing ?     A No. My other sister and myself we had only one day free, and during that day Irma Grese did not mention anything about her work; we spoke only about family affairs and during the evening we had a sort of family reunion and nothing was mentioned about the work which Irma was doing.
- Q At any time during that leave of your sister's did you hear from her anything about her work in the concentration camp ?     A She told us only that her duties consisted in supervising prisoners that they should not escape.
- Q Now will you tell the Court about the other meeting with your sister ?  
A In 1945, when my sister left Auschwitz, she went to Ravensbruck and from Ravensbruck she heard then that another aufseherin was in a hospital at Strelitz, so she volunteered to fetch this other aufseherin because another sister of mine she worked in Strelitz so that she could see her.
- Q Now during that occasion, the meeting with your sister, did she speak to you about her work in the concentration camp ?     A Not very much.
- Q What did she say ?     A She told me that she had been working for a considerable period in a sort of post office receiving and distributing mail.

Q Anything else ? A And that sometimes she had been detailed to guard duties.

Q Now so far as you are aware, as your sister any experience with firearms ? A No.

Q In this case it is alleged that your sister killed by shooting with a pistol prisoners on four occasions. I want you to tell the Court what you think of that.

COLONEL BACKHOUSE: I do not want to interrupt my friend, and I want to give every latitude I can, but where are we getting ? This girl says she has only seen her sister twice since she was a child. First she is asked if her sister has any experience of firearms, and now she is asked what she thinks about the Prosecution's evidence. Really I think it is going too far.

THE PRESIDENT: I think you are right; I quite agree. She cannot say that.

MAJOR CRANFIELD: If you please. (To the witness): In this case your sister is accused of savagely striking prisoners under her charge so that they were left in a bleeding condition. What do you think of that ?

COLONEL BACKHOUSE: Again I object. This girl cannot give expressions of opinion on the Prosecution's case.

THE PRESIDENT: I do not think you can ask these questions as to what the witness thinks of the Prosecution's case. So far as I see it those are not statements of fact at all.

MAJOR CRANFIELD: In my submission this girl is the sister of the accused and knows her better than anybody else present. The accused is accused as a very young girl of acts of very great savagery and cruelty, and I think this witness can say, as her sister, whether she thinks her sister is a person likely to do that or not. I do not say it goes for very much.

COLONEL BACKHOUSE: She has seen her sister twice in the last seven years. If she likes to give evidence as to facts which happened seven years ago, or to say her sister was a good girl at home, which is always very popular in Courts, I do not mind.

THE PRESIDENT: I do not think she can express opinion on evidence which has been produced by the Prosecution.

MAJOR CRANFIELD: From your knowledge of your sister, do you think her a person likely to beat the prisoners under her charge ? A No.

Q Have you any reason for saying that ? A I know it from our school days when, as it sometimes happens, girls were quarreling and fighting. My sister in such a case had never the courage to fight, but on the contrary she ran away.

Q Is there anything else you would like to say about the charges against your sister.

COLONEL BACKHOUSE: Well, really ----

THE PRESIDENT: I do not think she can criticise the charges against her sister.

MAJOR CRANFIELD: Very well.

(There was no cross-examination by the remaining Defending Officers.)

Cross-examined by COLONEL BACKHOUSE.

- Q You told us your sister went to work on a farm in the next village when she was 14 ? A Yes.
- Q You stopped the dates then. How long did she stay on the farm ?  
A I cannot say for certain, but I believe about six months to a year.
- Q And where did she go from there ? A She went to Hohenluchen as a sort of nurse.
- Q Where did she go from there ? A She went to Furstenburg into a small shop to help in a butter shop, a dairy.
- Q How long did she work in the butter shop ? A I am not quite sure, but I believe 12 to 18 months.
- Q Did she go straight from there into the S.S. ? A Yes, she went to Ravensbruck, a camp which was very near to us.
- Q And was that in July of 1942 ? A I am not sure about July, but it was 1942.
- Q The other thing I am not quite sure of is this. You say you only saw her twice. You said you saw her once in 1943 and once in 1945. How long before 1943 was it that you had not seen your sister. I did not gather when you last saw her before these two occasions ? A In Spring, 1942, when she was working in the dairy at Furstenburg.
- Q When she came home in 1943, did your father give her a thrashing ?  
A I did not see that, but he was quarreling with her.
- Q What did he quarrel about ? A Because she was in the S.S.
- Q Did he forbid her to come to the house again ? A I do not know.
- Q Did she ever come again ? A No.
- Q Was not that because she told you what she did at Ravensbruck ? A I do not know why.
- Q Was she dressed in uniform when she came home ? A Yes, she came in uniform but she changed into civvies.
- Q And you would be what, 16 at that time ? A Yes.
- Q And you never asked your sister what she was doing in the concentration camp ? A Yes.
- Q She never told you ? A Yes, she told us she was supervising prisoners working inside the compound and she was to see to it that they are doing their work well and that they do not escape.
- Q Did you not ask her all about it ? A We asked her: "What do the prisoners get for food and why have they been sent to a concentration camp?". She answered: "I am not allowed to talk to the prisoners myself and I do not know really what sort of food they are getting".
- Q Why did your father lose his temper with her ? A Because he was very much against her being in the S.S. We all wanted to belong to the B.D.M., Bund Deutscher Madchen, and he never allowed us to do so, so we never belonged to it.
- Q That is the equivalent of the Hitler Jugend, is it not ? A Yes.
- Q And you all wanted to join ? A Yes.

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- Q And you all wanted to join ? A Yes.

Re-examined by MAJOR CRANFIELD.

Q When did you last see your father ? A April, 1945.

Q Where is he now ? A I do not know.

Q Is he alive ? A I do not know.

(The witness withdraws).

THE ACCUSED, IRMA GRESE takes her stand at the place from which the other witnesses have given their evidence, and having been duly sworn is examined by MAJOR CRANFIELD as follows:

Q Is your full name Irma Grese, and were you born on the 7th October, 1923 ?  
A Yes.

Q You have heard what your sister said about your family; is that correct ?  
A Yes.

Q I want to take you to the time you left home. A Yes.

Q Will you tell the Court what position you took and how long you were there ?  
A Yes.----

COLONEL BACKHOUSE: Perhaps I might know what notes she is reading from.

THE PRESIDENT: Is she reading anything ?

COLONEL BACKHOUSE: She picked something up in her hand and began to read from something.

MAJOR CRANFIELD: She has copies of the affidavits against her in German; that is all.  
A In 1938 I left the elementary school in Germany. It was customary to belong then afterwards either to the arbeitsdienst or to work for a year on the land in the country, agricultural work.

Q I want you to tell the Court what work you did and how long you stayed there.  
A I stayed there six months on that farm and worked on agricultural jobs.

Q What work did you do after that and for how long ? A For six months in Luchen and worked there in a shop.

Q And after that ? A When I was 15 I went to a hospital in Hohenluchen and stayed there for two years until I was 17.

Q And after that ? A The sister there in that hospital tried to help me so that I should become myself also a nurse, but the labour exchange did not allow that and sent me to Furstenburg to work there.

Q What kind of work was that ? A In a dairy, working at a butter machine.

Q And after that ? A In July, 1942, I was 18 then, I tried once more to become a nurse, but the labour exchange again sent me to Ravensbruck to a concentration camp.

Q Had you any choice as to whether you joined the concentration camp service or not ? A No. I protested against it, but the labour exchange decided that I had to go.

Q How long did you stay at Ravensbruck ? A March, 1943.

- Q Where did you go then ? A Auschwitz, Upper Silesia.
- Q Which camp in Auschwitz did you go to ? A Berkenau.
- Q How long did you stay in Auschwitz ? A To January, 1945.
- Q Now I want you to go through the whole period you were at Auschwitz and tell the Court the various duties which you did with the dates of the beginning and the end of each one. Take it one by one. What was the first job you had in Auschwitz ? A Telephone duties in the blockfuhrer's room.
- Q Which camp in Berkenau was that ? A It was once A and once B camp; I changed over.
- Q What was the next job you had ? A For two days I was transferred as a sort of light punishment to be in charge of the strafkommando which carried stones from outside into the camp. I received this punishment together with another aufseherin because we did not wear our caps.
- Q Was the accused Kopper in that strafkommando ? A I cannot remember.
- Q What happened after that ? A I do not remember whether I had strassenbaukommando, kommando working on the roads, or gardening kommando; I am not sure about it.
- Q Can you remember the approximate date, the month, of the change ? A In Autumn, 1943.
- Q Did you ever at that time have the strassenbaukommando ? A I am not sure whether it was strassenbaukommando or the gardening kommando.
- Q That was not what I intended to ask. During 1943 did you at any time have the strassenbaukommando ? A That was in the year of 1944 when I had the strassenbaukommando.
- Q When you did have the strassenbaukommando, for how long did you have it ? A No, I made a mistake; it was not 1944, it was 1943.
- Q When you did have it, whether it was 1943 or 1944, for how long did you have it ? A One to two weeks.
- Q During 1943, did you at any time have the gardening working party ? A Yes.
- Q For how long ? A One to two months.
- Q Can you remember the time of year when you had it; can you remember the months ? A It might have been in Autumn.
- Q What job did you have after the gardening kommando ? A Post office, censoring mail.
- Q Which camp was that in ? A It was outside of the camp, compound A.
- Q Can you remember when that job began ? A Approximately in December, 1943.
- Q Can you remember when it ended ? A May, 1944.
- Q Where did you go then ? A Compound C.

- Q And how long did you stay there ?  
A Till the end of December, 1944.
- Q What happened then ?  
A Then I was transferred for two weeks or two weeks and a half to Auschwitz No. 1.
- Q And after that ?  
A I left Auschwitz on the 18th January, 1945, and came to Ravensbruck.
- Q What was your job in Auschwitz No. 1 ?  
A In charge of two blocks whose prisoners went to work during the day.
- Q Was it a women's camp you were in in Auschwitz No. 1 ?  
A No, those two blocks were in the men's compound.
- Q Did you have any leave while you were at Auschwitz ?  
A Yes.
- Q When was that ?  
A It was in the beginning when I arrived. About June, I believe.
- Q To go back to Berkenu, were you ever in B. lager ?  
A There were several B camps in Berkenu; I do not know which one you mean.
- Q The women's camp I mean.  
A There were two B camps; I do not know what you mean.
- Q Very well. When you left Auschwitz in January, 1945, where did you go to ?  
A Ravensbruck.
- Q And after that ?  
A In March to Belson.
- Q Can you remember the date on which you arrived at Belson ?  
A Beginning of March. I do not remember the day.

MAJOR CRANFIELD: I do not know whether that would be a convenient moment to adjourn. I have finished all the dates now.

THE PRESIDENT: Yes.

(At 1314 hours the Court adjourns).

(At 1430 hours the Court reassembles).

(The accused are again brought before the Court).

- Q You told us this morning that you were in charge of the strassenbaukommando for a period of one or two weeks. Do you remember whether the accused Kop or was in that kommando or not? A. No, I am quite sure she has not been there.
- Q Was that kommando a punishment kommando? A. Yes, it was a punishment kommando but it lost the title punishment kommando and was called strassenbaukommando.
- Q You also told us that for two days you were in charge of another strafekommando carrying stones? A. Yes.
- Q Apart from those two occasions were you at any time at Auschwitz in charge of any other punishment kommando? A. No.
- Q Were you at any time at Auschwitz in the parcels office? A. In the post censorship department.
- Q I want to know about the parcels office. A. Volkenrath was really in charge of the parcels office, but for two or three days she had been sent away and I took over during that time.
- Q Can you remember the month and the year that was? A. 1943; I do not know in which month.
- Q I want to ask you about the time you were in "C" lager. Were there any other aufseherin there? A. Another six or seven.
- Q Were the other aufseherin there during the whole time you were there?  
A The others were changed every week.
- Q Were you senior to them? A. Yes.
- Q How many blocks were there in "C" lager? A. There were 28 blocks, where prisoners were accommodated, then there was one block for food, food stores, one office, company office, two stores with underwear and clothing, two or three blocks for latrines and two washhouses.
- Q How many prisoners were there? A. Approximately 30,000.
- Q What nationality were they? A. All Hungarians and the block altestors they were Czechoslovaks.
- Q Was there always the same number of prisoners or did it change? A. No, that was the highest number, 30,000, but generally I had about 20,000.
- Q Did the prisoners stay there the whole time you were there or did they come and go? A. They came and went.
- Q When prisoners came to you in "C" lager what was the procedure on their arrival? A. When the transports arrived they had been already selected and those who arrived were found fit for work. When they arrived they went into the washhouse, they washed there and then they had their hair cut and then they were distributed.
- Q You have told us that the number of prisoners varied between 20,000 and 30,000. When the number of prisoners went up did the number of aufseherin go up? A. No.
- Q You have told us there were 28 living huts. How many prisoners could they properly accommodate? A. The normal accommodation would have been for a hundred or perhaps two hundred or let us say a maximum of three hundred, but I had to take in 1,000 for each block because the camp was overcrowded.

- Q In these blocks were there any beds? A. No; in some of the blocks there were some sort of bunks which were big enough for five people, so that five could sleep on one bunk, but in most of the blocks there were neither beds nor bunks.
- Q How did the prisoners behave? A. In the beginning when there were smaller numbers of them and they had sufficient to eat they were quite all right; later on when I had 20,000 of them, 25,000 and 30,000 then they behaved like animals.
- Q How did they behave when the food was being distributed? A. As I said before, in the beginning it was quite all right; later on when food was a bit more scarce then at food distribution when people carried the food from the kitchen to the blocks nearly at every corner there were 20 or 30 people who waited to pounce upon them and to take the food away.
- Q We have heard something about sanitary conditions. How did the prisoners behave in regard to latrines? A. In the beginning it was quite all right; later on when the camp was overcrowded then wherever you went it was just as if the prisoners thought that any place is good enough for a latrine and they just defecated wherever they stood or wherever they went and these proper latrines they were ruined by throwing all sorts of stuff into them until they simply ceased to function.
- Q How old were you at this time when you were in "C" lager? A. 20.
- Q I want to ask you about allegations of illtreating the prisoners. Did you carry a stick at Auschwitz? A. In camp "C", yes.
- Q What kind of a stick was it? A. It was a simple walking stick.
- Q Did you carry a whip at Auschwitz? A. Yes.
- Q What kind of a whip was it? A. It was made in the weaving factory in the camp out of cellophane.

THE PRESIDENT: What exactly was it?

MAJOR CRANFIELD: We have heard of the whips made in the weaving factory before and the Court wants to know what kind of a whip it was. Will you describe to the Court the appearance of it and the size of it? A. This length. (Indicating) There were three parts and each part was that size. (Indicating)

- Q Can you give the Court some indication of whether it was a heavy whip or not? A. No, it was a very light whip.
- Q If you hit somebody with it would it hurt? A. Oh yes.
- Q If it had not hurt it would have not been much use to you, would it? A. Yes, of course that is what I said.
- Q Did you ever at Auschwitz carry a rubber truncheon? A. No.
- Q While we are on this subject of weapons I want to ask you this. Did you carry a stick at Belsen? A. No.
- Q Did you at Belsen carry any kind of a weapon? A. No.
- Q Now I want to go back for a moment to the whips made in the weaving factory. What happened to those? A. We had those whips for eight days or for a fortnight and then the commandant, Kramer, prohibited them, but we nevertheless carried on using them.

- Q Now I want you to explain to the Court the occasions on which you struck the prisoners with your stick or your whip and why you did so. A. In the beginning I did not use anything at all. Later on when the crowds in camp "C" became bigger and bigger then a sort of general stealing started; very much was stolen. It was so with the whole camp that the prisoners did not obey any orders. I gave orders, quite light orders, and even those were not obeyed. Every day, for instance, two aufseherin who were working in the kitchen came complaining that again things have been stolen, again margarine had disappeared. I could not know, of course, who were the thieves so therefore I put two aufseherin in charge and I gave them orders to keep their eyes open and whenever they found somebody on the spot who stole something to give them a good thrashing. In the beginning every prisoner had two blankets but later of course when the crowds became bigger I had to see to it that everybody got a blanket and therefore each prisoner only got one blanket. We had about 30,000 blankets in camp "C" but then later on when one day we wanted to see how many there were I found out that only about half the number was available. I, of course, was responsible for them. I had to go and account where the others had gone.
- Q What I want you to explain to the Court is on what occasions you struck prisoners and the reasons why you did it. Do not be too long winded about it. A. That is what I am telling you. We found they had cut up all these blankets and made all sorts of things out of them; they made shoes, little jackets, all sorts of clothing, even small carpets for their beds - something like that - and I gave strictest orders that all these things which had been made out of blankets had to be returned at once. In spite of my strict orders the result was nothing. I did not get anything at all, so then I ordered the control of all the blocks and also personal searches of the prisoners. On these occasions I used my whip. For instance parades, the Jewish lager altoster gave a signal for parades. In half an hour the whole camp should have been on parade. Still there were always prisoners who tried to evade it, who tried to hide themselves under the bed or even in wardrobes, wherever they could. When my other aufseherin reported to me the numbers and I compared them and they were not all right then, of course, I gave them orders. I gave orders to the aufseherin to count again and again until those two or three who were missing would be found and therefore because of these few who tried to hide themselves sometimes parades took three or four hours. As I was responsible for the camp I said the parades would go on until the number was all right.
- Q Have you ever taken an individual prisoner and beaten her until she fell to the ground senseless? A. No.
- Q Have you ever taken an individual prisoner and beaten her until she was bleeding? A. No.
- Q Have you ever kicked a prisoner whom you have struck to the ground? A. Never.
- Q At Bolson have you ever struck a prisoner at all? A. Yes.
- Q With what? A. With the hand.
- Q Have you at Bolson ever struck a prisoner with anything other than your hand? A. No.
- Q What was the condition of the prisoners at Bolson? A. The condition of the prisoners were so bad that one had almost a horror of them.
- Q Do you remember an S.S. woman called Buokhalla? A. Yes.
- Q You heard Volkenrath describe the occasion on which she was punished. Was her description correct? A. Yes.
- Q Were you present? A. Yes.
- Q Did the commandant, Hoess, give you an order on that occasion? A. Yes.

- Q What was that? A. I had the order that the last two out of the 25 strokes with which she was punished by Reichfuhrer Himmler that I myself should give her the last two of these.
- Q How old were you when that happened? A. 20.
- Q I want to ask you about appels, parades. What was the signal for the prisoners to get on parade? A. It was a blow on a special whistle.
- Q Who had the whistle? A. It was different; sometimes the aufseherin, sometimes the lager altoster, sometimes the kapo.
- Q When you were in "C" lager where did the orders come from for a parade?  
A For the roll call, for counting purposes, it was me who gave the orders.
- Q Where did the order come from for what we call selection parades?  
A That came by telephone from a rapportfuhrerin or oberaufseherin Dresdel.
- Q When the order came were you told what the parade was for? A. No.
- Q What were the prisoners supposed to do when the whistle went? A. Fall in in fives.
- Q What were the duties then of yourself and the other aufseherin? A. To see to it that they fell in in fives.
- Q When they were fallen in what were your duties then? A. Then came Dr. Mengele and made the selection.
- Q What were your duties while Dr. Mengele made the selection? A. As I was responsible for the camp my duties were to know how many were leaving my camp and I had to count them.
- Q Did you keep a strength book? A. Yes.
- Q After a selection what did you enter in your strength book? A. After the selection took place they were sent then into "B" camp and then afterwards a telephone call came from Oberaufseherin Dresdel who told me either that they went to another camp in Germany for working purposes or that they went into the gas chamber. She did not say exactly gas chamber. She said S.B., special treatment, so therefore I thought special treatment is equivalent to gas chamber. Then I put it in my strength book either so many for transfer to Germany to another camp and so many for S.B., special treatment.
- Q How did you learn that S.B. meant the gas chamber? A. That was well known to the whole camp.
- Q Were you ever told anything about the gas chamber by your superior officers? A. No.
- Q Who was it then who told you about the gas chamber? A. The prisoners told me about it.
- Q You have been accused of choosing prisoners on these parades and sending them to the gas chamber; have you done that? A. No.
- Q At the time when these parades took place in Auschwitz had you any knowledge of the gas chamber apart from what the prisoners told you? A. I knew that prisoners were gassed there.

- Q Did you carry a pistol at Auschwitz ? A. In Camp "C" yes.
- Q Why was that ? A. It was rather dangerous in the last months to be without a pistol because of the partisans, and I carried it only for self-protection.
- Q Was your pistol loaded ? A. No.
- Q Did you carry a pistol at Belsen ? A. No.
- Q Have you ever fired your pistol at a prisoner ? A. No.
- Q Have you ever fired a pistol at all ? A. No - oh yes, on New Year's Eve.
- Q What did you fire at then ? A. Into the air. It was not a revolver; it was a sort of hunting rifle.
- Q At Auschwitz did you ever have a dog ? A. No.
- Q Were there dogs there ? A. Yes.
- Q What kind of dogs were they ? A. I do not know exactly what sort of dogs, but they were trained dogs.
- Q Did you ever have anything to do with them ? A. No.
- Q I want to go back to appels for a moment. Did you ever order prisoners to kneel down at an appel.
- Q Why was that ? A. Because we could not properly count; they were running to and fro.

MAJOR CRANFIELD: I am now going to put to the witness the specific accusations against her. I will start off with the witness Szafran, volume 7 of the transcript. (To the witness) A witness accused you of beating a girl at Belsen with a riding crop about a fortnight before the British troops arrived. Is that true ? A. No.

- Q The same witness said that you came to her kitchen on an inspection with Kramer. Is that true ? A. I never went on an inspection with Kramer.
- Q During the time you were at Belsen what were your duties ? A. I was Arbeitsdienstfuhrerin responsible for working parties.
- Q Will you explain to the court what the duties of an Arbeitsdienstfuhrerin were ? A. The Arbeitsdienstfuhrerin is responsible for all the outside working kommandos. She has to be there when they leave the camp and distribute working tickets for the respective kommandos.
- Q The same witness said that at Auschwitz at a selection at which Blockaltester Rehr, the accused Hoessler and Dr. Enn were present, to girls jumped out of the window and you shot them while they were lying on the ground. Is that true ? A. In Camp "C" neither Hoessler nor Dr. Enn nor Blockaltester Rehr were ever present on selections. It must have been in camp A.

THE JUDGE, ADVOCATE: That is what the witness said. The evidence was that a selection took place in Camp A block 9.

MAJOR CRANFIELD: Yes, I think I said Auschwitz. The witness is saying "C" lager because the greater part of her time was in that camp.

THE JUDGE ADVOCATE: But she is saying if that occurred it would be in Camp  
A. That is what Szafran said. Will you clear it up?

MAJOR CRANFIELD: Yes. (To the witness) Did you ever shoot two girls under those circumstances? A. I never shot at or never shot at all at any prisoner.

MAJOR CRANFIELD: The next one is the witness Stein, whose evidence appears in volume 9 on pages 12 to 16. (To the witness) That witness told us that at a selection in the summer of 1944 some prisoners tried to hide, that you saw it, told somebody, and a woman was shot. Is that true?  
A. I cannot remember.

Q It was suggested that the woman was shot by an SS man on guard?  
A. I do not remember.

THE JUDGE ADVOCATE: Which incident is this?

MAJOR CRANFIELD: This is the incident of the Hungarian woman. There were two incidents concerning Stein; this is the woman who was hiding from a selection parade and she turned out to be a Hungarian. I think that came out in answer to a question put by me. It is the first of the two Stein incidents. (To the witness) Had you any authority to issue orders to an SS guard? A. No.

THE JUDGE ADVOCATE: Are you sure it was given in evidence and not in an affidavit?

MAJOR CRANFIELD: Yes; it is in volume 9 of the transcript, page 14 at the top.

THE JUDGE ADVOCATE: I think, sir, with great respect, I do not want to be hurried over this, and I want to be corrected if I am wrong. I have taken a note of what the witness said as distinct from what was said in the depositions, and I have got against Stein an incident where the first is an allegation that Grese made them stand before their block in all weathers naked. The second one is to be found in the transcript: I saw from a window in the kitchen some people trying to hide. Grese saw this and told someone else and they were shot. This was about the end of August 1944. I helped to collect those shot, put them in a blanket and took them away. Is that the one you are talking about?

MAJOR CRANFIELD: Yes.

THE JUDGE ADVOCATE: Then surely the Hungarian woman is the next one?

MAJOR CRANFIELD: No, I think you will find in cross-examination I got the answer that that woman was a Hungarian.

THE JUDGE ADVOCATE: If you are talking about that incident I am quite clear, but I did not understand the point about the SS men and the shooting which was in the affidavit but which was not brought out here.

MAJOR CRANFIELD: The same witness alleged there was an incident when a mother was talking to her daughter over the wire between two compounds. (To the witness): It is alleged that you arrived on a bicycle and beat the mother so severely that she was lying on the ground where you kicked her; is that true? A. I do not deny that I beat her, but I did not beat her until she fell to the ground, and I did not kick her either. That is a lie.

Q At Auschwitz did you wear a belt with your uniform? A. No, I wore the belt with the pistol together.

Q Will you look at this belt and say whether this is the one you wore ?  
(Same handed) A Yes.

Q Did you ever at Auschwitz wear any other kind of belt ? A No.

MAJOR CRANFIELD: I would like to put this belt in as an Exhibit.

(Belt is marked Exhibit "126", signed by the President and attached to the proceedings).

MAJOR CRANFIELD: I did not propose to put anything else out of Stein's evidence, as I think it has all been covered by the general questions on selections, beatings, and so forth.

THE JUDGE ADVOCATE: That is entirely a matter for you, because Stein is not taking the same view that the accused did. She says "We had to stand before the blocks naked in all weathers". I do not know how far you want to go into it.

MAJOR CRANFIELD: I do not propose to go into that. The next witness is Rosenways, volume 10 page 17 of the transcript. (To the witness): The witness accused you of setting your dog on to her when you were on a kommando with the accused Lothe at Auschwitz. A I have never been with Lothe on an outside working party. Secondly, I never had a dog.

MAJOR CRANFIELD: I am not going on to the affidavits. The first one is 22, Exhibit 26. (To the witness): Take your German translations and open them at page 22. Do you see in the affidavit that Dunklemann describes you as aged about 30, blond, with hair tied up at the back ?  
A Yes.

Q Just look at the hair of No. 7 (indicating Volkenrath). A Yes.

Q Did you ever at Auschwitz do your hair like that ? A Not so, not in this way.

Q Is the hair style of Volkenrath known in Germany as having your hair tied up at the back ? A It is called in Germany something like "All Clear", because everything goes up so it is "All Clear".

MAJOR CRANFIELD: I am now going on to affidavit 113, Exhibit "66"; the deponent Neiger. (To the witness): Do you see in that affidavit it is alleged that appels were from 0300 hours to 0900 hours ?  
A Yes.

Q At Auschwitz what was the light at 0300 hours ? A Very dark; I never got up at 3 o'clock.

Q Do you see that the deponent says that there were 31,000 people in camp "C", and that you ordered them to hold their hands above their heads with a large stone in each ? A Yes.

COLONEL BACKHOUSE: I do not want to interrupt my friend, but from a fair reading of that affidavit it obviously does not suggest that all the internees had to do it. It is quite obvious what she was talking about.

MAJOR CRANFIELD: (To the witness): Did you ever order the prisoners in your charge to stand holding a large stone above their heads in each hand ?

A No; I must add that Katherine Neiger was not for a second in my camp at all, and has never been in my camp.

Q Were there any large stones in Camp "C" available for such a purpose ?  
A That is the size of the stone. (Demonstrating).

MAJOR CRANFIELD: The next one is page 160 of the summary, Exhibit "87".  
(To the witness): Do you see in that affidavit an accusation that you shot a Hungarian Jewess outside one of the blocks during the arrival of a transport ?

A Yes, I have seen it.

Q Is that true ?

A I do not deny that the woman had been shot, but I do deny that she had been shot by me.

Q How did the shooting happen ?

A I do not remember the incident with this woman. I do not know whether it is the same incident, but I remember in Camp "C" that happened also during the arrival of a transport; a woman had been shot by a guard from a watch tower, but whether it is the same woman I cannot say.

Q Will you read the second accusation which is in paragraph 4 of that affidavit ? A (After reading paragraph) Yes.

Q Is that true ?

A No. I must state that all this is terribly exaggerated. I might have taken one woman out who did not stay in her place and put her into another row, and I might have slapped her face, but that I beat her savagely until she was bleeding is a total lie.

MAJOR CRANFIELD: The next one is Exhibit "88", page 163. (To the witness): Will you read paragraph 2 of the affidavit.

A (After reading paragraph) Yes.

Q Is that true ?

A I did not have a dog. I do not remember that working party, but I had a bicycle. Then it says that I had something to do with block 25. I have never been there. I was only there once.

MAJOR CRANFIELD: My interpreter says the answer was that she had never been in block 25 at all.

THE PRESIDENT (To the Interpreter); What was the answer ?

THE INTERPRETER: "I have never been there, not once". I misunderstood her.

MAJOR CRANFIELD: The next affidavit is No. 169, Exhibit "90". Will you read paragraph 4.

A (After reading paragraph) Yes.

Q This incident which is described by three people, two of whom were witnesses, and one an affidavit.

THE JUDGE ADVOCATE: Has it been put in as an Exhibit ?

MAJOR CRANFIELD: I was under that impression. It is in volume 16 and is at page 45.

Q. The next one is the statement of the accused Kopper.

THE PRESIDENT: We have not had an answer to this yet.

MAJOR CRANFIELD: I beg your pardon. (To the witness) Is the incident described in paragraph 4 of that affidavit true? A. No.

Q. The next one is the statement of Helena Kopper, page 46, Exhibit 110.

THE JUDGE ADVOCATE: The trouble is you go so quickly. I have got this incident entered up against Lothe.

MAJOR CRANFIELD: Also against Lothe.

THE JUDGE ADVOCATE: The Exhibit was probably produced as some evidence against Lothe, but I have now got my note in order, so it is all right to go on.

MAJOR CRANFIELD: We have had an answer. (To the witness) The next one is 46, statement of Helena Kopper, Exhibit 110. Will you look at that statement, paragraph 2 and paragraph 3. Is that true? A. It is possible that Helena Kopper had an incident like this with some aufseherin, but certainly not with an aufseherin Irma Grese.

Q. Have you at Auschwitz ever been in charge of a kommando working in a sand pit? A. No.

Q. Have you ever sent prisoners to cross a wire in order to be shot? A. Never.

MAJOR CRANFIELD: Now those are all the specific instances which I was going to put to the accused. I think all the others are covered by the general denials. Unless there is anything else which the court wish me to put?

THE JUDGE ADVOCATE: Major Cranfield, a member of the court would like you, if you would, to deal with the evidence of Sunschein, where she made an allegation that the kommando received the sort of general punishment from Grese of having to run about for half an hour. The member would like you to deal with the collective punishment at their work.

MAJOR CRANFIELD: Yes, I will. I will go to Belsen now. I have one or two general questions about Belsen. I will go there now and deal with that, if I may, after.

THE JUDGE ADVOCATE: That is a Belsen allegation?

MAJOR CRANFIELD: Yes. (To the witness) I want to ask you about the camp at Belsen. I want you to tell the court what the conditions at Belsen were when you arrived there at the beginning of March this year and how they were between then and the arrival of the British. A. Almost daily transports arrived and the camp was very much overcrowded.

Q. You have told us that you had a horror of the prisoners. A. Yes, I was horrified because they were so dirty and so ill.

Q. What effect did that have on your work there? A. I do not quite understand the question.

Q. You have told us that you were the arbeitsdienstfuhrerin; you have told us that the camp was very overcrowded, always becoming more overcrowded; you have told us that the prisoners were so dirty and so ill that you had a horror of them. What I want to know now is how did those conditions affect you in the work you had to do? A. I had to attend the roll call twice a week, and every time I came back from the camp I felt horrified.

- Q. One of the witnesses who came here told of you making sport with a kommando for half an hour. Do you remember that incident? A. Yes.
- Q. Is that true? A. Yes.
- Q. Can you remember why you did that? A. Yes, very well.
- Q. Will you tell the court? A. I was in my office and looked out of the window. I saw a group of kitchen workers coming back and they were stopped by aufseherin. I saw that behind this kommando something was thrown away, it was two parcels wrapped up in paper. I went to have a look at these parcels and I saw that each of them consisted at least of two pounds of meat from the kitchen. We asked several times who had thrown this away but nobody told us. I promised the kommando that I would not report them or do any harm to them if I was told who had thrown these parcels away. They all kept silent and then I said: "Well then we have to make sport until the person who have thrown these parcels away tells us about it." We made sport for about half an hour and then some of the prisoners told us who had thrown these parcels away. I had promised the kommando not to report this incident and so I did not do it; I thought they had been punished enough by this sport.
- Q. It was alleged that those who were not doing it properly were beaten by you with a riding crop; is that true? A. Their sport was being made very well. In the second place I had no riding whip, and I had not been beating them.
- Q. Had you done this kind of collective punishment before? A. No, I only had seen it.
- Q. Are extra grades and extra drills a recognised form of punishment in the German service? A. Yes, you can say that.
- Q. Now in this case you are accused of being concerned together with Kramer and Klein and Hessler, both at Auschwitz and Belsen. I want to ask you first of all about Auschwitz. Have you ever planned with Kramer in regard to sending prisoners to the gas chamber? A. No.
- Q. Have you ever so planned with Klein or Hessler? A. No.
- Q. Have any one of those three ever consulted you with regard to who was to go to the gas chamber? A. We have never been talking about these things. Kramer, Klein and Hessler were my superior officers. If Kramer came into the camp I had to make my report, as was my duty, and nothing else.
- Q. Have you ever planned with Kramer or any other persons now in the dock to put to death in any way whatever any prisoner at Auschwitz? A. I am not capable of making plans, and I never made a plan to kill prisoners.
- Q. Have you ever planned with Kramer or any other of the accused to deliberately illtreat a prisoner at Auschwitz? A. No.
- Q. Have you ever planned with them the death or deliberate illtreatment of a prisoner at Belsen? A. Never.
- Q. I want to ask you about the film which we saw. Did you observe in that film that at one moment there was thick snow on the ground and at the next moment there was none at all? A. Yes.

MAJOR CRANFIELD: That is all I have to ask.

MAJOR WINWOOD: No questions.

MAJOR MUNRO: No questions.

CAPT. ROBERTS: No questions.

CAPT. BROWN: No questions.

CAPT. FIELDEN: No questions.

CAPT. CORBALLY: No questions.

CAPT. NEAVE: No questions.

Cross-examined by CAPT. PHILLIPS.

Q. Do you know the numbers of the cookhouses at Belsen? A. Yes.

Q. Whereabouts in the camp was No.1? A. In the men's camp.

THE PRESIDENT: Who is this?

CAPT. PHILLIPS: This is directed to all my four accused. (To the witness)  
And No.2? A. No.2 also.

CAPT. PHILLIPS: I think you will find this of interest to quite a number of accused. No.1 is in the men's camp and No.2 is in the men's camp. (To the witness) Are No.3 and No.4 in the women's camp? A. Yes.

Q. Where is No.5? A. No.3 was sub divided in two parts, but both were called No.3. No.5 was not No.5 but No.4.

CAPT. PHILLIPS: I do not know whether I may explain what I understood the witness to say. No.3 cookhouse is divided into two parts, which is No.3 and No.4.

THE PRESIDENT: Where is No.5? A. Both parts of No.3, although sub-divided, have still the No.3, and No.5 does not exist at all, it is No.4. Altogether there are five kitchens.

Q. But there is 3A and 3B, both called No.3? A. Yes.

CAPT. PHILLIPS: Do you know in which kitchen No.30 worked (Frieda Walter)? A. No.3.

CAPT. PHILLIPS: Will No.37 stand up. (The accused Herta Bothe stands up)

THE WITNESS: No. 37 was in charge of the distribution of wood.

CAPT. PHILLIPS: Will No. 39 stand up. (The accused Irene Haschke stands up)

THE WITNESS: She was in one part of kitchen No. 3. That is the kitchen which was divided; I do not know in which part of kitchen No. 3 she was working.

LT. BOYD: No questions.

CAPT. MUNRO: No questions.

Cross-examined by LT. JEDZREJOWICZ.

Q You said there was an Oberaufseherin Dreschel in Auschwitz. Was she the aufseherin who was in charge of the whole woman's camp? A. Yes.

Q Was she a severe woman? A. Very severe.

Q Were the prisoners and block altesters and lager altesters afraid of her in the same way? A. Yes, in the same way.

Q Now a question about Belsen camp. Who was in a position to withhold food in Belsen camp as a punishment? A. The camp command.

Q Are you quite sure a block altester or a lager altester was not in a position, had no right, no power whatsoever, to withhold food as a punishment for his block or his lager? A. Yes.

(At 1650 hours the Court adjourns until 0930 hours to-morrow morning 17th October, 1945.)